

EXHIBIT 36

BILL DONNER
11/16/2021

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 20-cv-00983-TSZ
)	
CITY OF SEATTLE,)	
)	
Defendant.)	

ZOOM 30(b)6 Deposition Upon Oral Examination

Of

BILL DONNER - RICHMARK LABEL

CONTAINS CONFIDENTIAL PORTIONS

DATE: Tuesday, November 16, 2021

REPORTED BY: Mindy L. Suurs, CSR No. 2195

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1 Q. And after the -- do you recall anything that
2 Mr. Malone told you about that meeting that they had?

3 A. No.

4 Q. Did you ask him what happened at the meeting?

5 A. When we talked, I'm sure we discussed what was
6 going on, but I can't now remember anything concrete coming
7 out of it. I don't remember anything concrete coming out
8 of any discussions during the month with anybody.

9 Q. So the top e-mail here, you write "I love
10 Malone." Do you know -- first, who's Alan Anderson?

11 A. Oh, he works for me.

12 Q. And do you know why you wrote "I love Malone"?

13 A. I have no idea.

14 Q. Is it because Mike Malone was bringing up the
15 idea of a massive class action lawsuit against the mayor
16 and the City?

17 A. I don't remember. I've known Mike Malone since
18 about 1970, I've had a lot of interactions with him and --
19 friendly and otherwise. So I just at this point can't
20 remember anything specific about it.

21 Q. At some point is it your belief that some sort of
22 blockages were placed on some of the streets in and around
23 Cal Anderson?

24 MR. WEAVER: Objection.

25 Answer if you can.

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1 A. Can I tell you about the blockages in and around
2 that area that I am familiar with?

3 BY MR. CRAMER:

4 Q. Yes.

5 A. Okay. I don't want to bore you with it, but at
6 some point in the month, they blocked off Pine Street. The
7 11th Avenue where -- you mentioned before on the exhibit --
8 where our loading docks are, the trucks would come down
9 11th, get almost to Pine, and then back in. Okay? They
10 couldn't get out in traffic on Pine. So the business
11 activity happened along 11th. There were no cars, nothing
12 was happening on Pine Street. It was blocked off
13 completely at some point during the month, and the trucks
14 would try and get in and out. There were barricades by the
15 protesters in addition to the cement blocks blocking 11th
16 Avenue at that corner on 11th and Pine. My loading docks
17 may be 100 feet, 150 feet in from -- on 11th Avenue from
18 that side. Okay.

19 The park and the playfield filled up, and our
20 real problems getting in and out and fears were on the 11th
21 Avenue side, not the Pine Street side because the 11th
22 Avenue is where people were living and congregating during
23 the day. And then, as I said, most of the time by late in
24 the day, they would get over to Pine, and those -- the what
25 I call metal barricades were put up.

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1 Q. And were there barricades or blockages anywhere
2 else on 11th?

3 A. The north corner of our block is Olive, 11th and
4 Olive. Okay? For a good portion of the month, I would
5 call them protesters -- I don't know what else to call
6 them -- would take garbage cans, metal posts, railings,
7 furniture and block off 11th Avenue. But they may have
8 gone a block north of Olive. I wasn't up there much;
9 oftentimes I saw it was open. But I would come down 11th
10 Avenue, you know, 4:45 in the morning, they would stop me,
11 pretend they weren't going to let me through. I said,
12 look, we've got the business on the corner, trucks were
13 coming in. Couple of days I had to drive on the sidewalks
14 to get around, get into the lot, come back, talk to them.
15 And generally the protesters helped us at some
16 point move some of the barricades, most of the time I'm not
17 the first person in my factory at 4:45, so I would get
18 other employees and we'd come out and we'd talk to people
19 and try and move what we could so that the trucks could get
20 in and our people could get into our parking lot, park and
21 work.

22 Q. And the people that you say were at 11th and
23 Olive -- did they ever tell you why the streets were being
24 blocked?

25 A. I did not engage them. I didn't know them

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1 personally. I didn't know what their beliefs, attitude. I
2 didn't know if they were belligerent. The best thing to do
3 was just say nice, polite -- please, thank you, can you
4 help us move so we can get in. They generally did, but
5 they moved barricades back enough so that a car, sometimes
6 a truck could get in.

7 We -- I'd have some of my employees and me stay
8 out there, tell employees, truck, yeah, you can come in.
9 Most of the time during the month trucks did get in, people
10 came in. There were some truck drivers, their company said
11 they didn't have to, they were afraid. They were
12 intimidated. So there were times when we didn't get
13 shipment in or we didn't get shipments out.

14 Customers -- there were no press checks then.
15 People just -- if they didn't have to deal with what was
16 going on up there, people didn't come up.

17 Q. The protests or the people on 11th and Olive --
18 they were generally very polite; is that right?

19 MR. WEAVER: Objection.

20 A. To my best recollection, most of the time, yes.

21 BY MR. CRAMER:

22 Q. And they moved the blockages when -- when you
23 asked them to move them?

24 A. Some would. Some -- some of them were heavy.
25 Sometimes they would go get a couple other people, so my

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1 people and those people -- we have to move a couch, we'd
2 move the barricades. We got -- we managed. We managed.
3 Some days were much tougher than other days.

4 Q. But every day you were able to get to your
5 business?

6 A. Yeah. Sometimes not exactly when we needed to.
7 Sometimes it was a half hour later, sometimes the
8 barricades were heavier, took more of us to move them.
9 There were a couple of times when one of the protesters
10 went and got several other people to help move some of the
11 stuff out of the way. So there was only one woman one
12 time -- school teacher from Puyallup -- who threatened
13 Mr. Zimbabwe and me. And that was one time, one morning
14 out of the entire month.

15 Q. And so it seems like Mr. Zimbabwe was there, too,
16 assisting you?

17 A. Not in moving things, but he was in the area. I
18 don't know how often. He didn't come to see me all the
19 time. I was not, you know, the focus of his attention, but
20 he was as everybody else, very polite, sympathetic, no
21 promises. You know, I would ask everybody if they heard
22 anything, please let me know, especially around eventually
23 when it came time that the assumption was made by me, my
24 employees that this couldn't go on forever and we just
25 wanted to know about it.

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1 Q. And at some point did the SDOT, Seattle
2 Department of Transportation, made a more formal access
3 plan for the area around your business; is that right?

4 MR. WEAVER: Objection.

5 A. No, I don't know anything about that.

6 BY MR. CRAMER:

7 Q. Did Mr. Zimbabwe come out and see you and talk
8 about how you could use the loading dock and make sure
9 there was access for the loading dock?

10 A. If I saw him, which I did -- I don't remember how
11 many times I saw him -- if I saw him, with him and
12 everybody else, I would just ask, "Is there anything you
13 can do to help me?" But nobody in the City was going to
14 confront, based on the people I talked to -- I shouldn't
15 say nobody in the City -- the people I talked to had no
16 intention of confronting any of the protesters.

17 And as I say, when Mr. Zimbabwe and I walked up,
18 I just remember it's the one thing I remember because it
19 stuck out in my mind about the school teacher from
20 Puyallup. She said, "I'm not moving it and there's nothing
21 you can do to make me do it." And we just said, "Thank you
22 very much" and walked away.

23 Q. And did you get a sense for what concerns the
24 City had about for why they weren't clearing the area
25 sooner?

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1 MR. WEAVER: Objection.

2 A. No, I didn't have any idea that they had any
3 concerns at all. As you say, they put up the porta
4 potties, they put up the barriers. The activity on the
5 streets grew during the month of June unabated, as far as I
6 could tell, so I wasn't aware that the City had any plans
7 to do anything.

8 BY MR. CRAMER:

9 Q. And you don't know why they provided the porta
10 potties; right?

11 A. No.

12 Q. They could have provided them, you know, because
13 there were no other businesses with bathrooms open?

14 A. I don't know.

15 MR. WEAVER: Objection.

16 BY MR. CRAMER:

17 Q. Could have provided them as a public health --
18 for public health reasons?

19 MR. WEAVER: Objection.

20 A. I don't know.

21 BY MR. CRAMER:

22 Q. And so you don't recall Seattle Department of
23 Transportation coming out to modify the street access
24 plans?

25 MR. WEAVER: Objection.

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1 A. I do believe I remember at least once when
2 some -- Department of Transportation truck came in to haul
3 away some garbage, but I can't tell you how many times,
4 what time of day or anything. That seems to be a
5 recollection I have.

6 BY MR. CRAMER:

7 Q. And did anyone from the City ever talk to you
8 about how trucks -- the plan for the roads would make it
9 possible for trucks coming to Richmark to go north on 11th?

10 MR. WEAVER: Objection.

11 A. No.

12 BY MR. CRAMER:

13 Q. So how did trucks access Richmark during that
14 time period?

15 A. Most would come south on 12th Avenue, take a
16 right on Olive, the north corner of our block, a left onto
17 11th, and some also got in from -- on John Street, which is
18 a couple blocks further north at the north end of the
19 park -- no, beyond the north end of the park -- some would
20 come down that for a while. I could come down that. I
21 normally would come Pine to come to work, but I switched
22 over to John and could come straight down 11th.

23 So some trucks came down 11th all the way from
24 John, some went 12th, but they all entered going south on
25 11th from Olive, the north corner of the building -- of the

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1 block, rather.

2 Q. And I think you said earlier that there were a
3 few occasions where trucks couldn't get there, but
4 generally, trucks were able to access Richmark Label during
5 the entire time period; right?

6 MR. WEAVER: Objection.

7 A. Most of the time, yes.

8 BY MR. CRAMER:

9 Q. And were they able to utilize the parking lot on
10 11th? Is that where trucks come in and out of?

11 A. At 11th -- you saw the picture of the loading
12 dock. Okay? From that picture to the left is where our
13 employees parked. They come in the driveway to the loading
14 dock. There were a couple of times -- the trucks would, as
15 I say, come south on 11th and they'd have to go just
16 slightly past the loading dock to back in. These were
17 fairly substantial trucks.

18 There were some occasions -- I don't remember the
19 number -- where protesters had to help move makeshift
20 barricades so that the trucks coming south could go far
21 enough south to back up, and then it was also awkward for
22 them because sometimes they would have protesters parking
23 right across the street, which made it really difficult for
24 trucks to then get back out again and make the turn. It
25 always ended up happening that trucks got out, but

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1 sometimes it took them a long time, sometimes we had to
2 find people to move a car that didn't belong there -- it
3 was in a no parking area. So we made it. We survived. It
4 was extremely difficult. Some days were worse than other
5 days.

6 Q. What was your sense of what access was like
7 further away from the park?

8 MR. WEAVER: Objection.

9 A. I don't know.

10 BY MR. CRAMER:

11 Q. What was access like on 12th, where the liquor
12 store and the parking garage are?

13 A. I don't remember the day, but at some point --
14 again, the north end was Olive -- okay? -- that the police
15 blocked off 12th Avenue between Olive and Pine so that,
16 where the liquor store was, that cars could come in and
17 park in their lot, they could not anymore. Okay. Our
18 employees couldn't park up there, so we stacked them on
19 11th -- we made as much room anywhere we could because they
20 could get to work; we just had to find spots for them.

21 Q. And you said that that was at some point during
22 the month of June that you think the police blocked off
23 that --

24 A. Blocked off -- yeah, 12th Avenue.

25 Q. And is it your understanding that that

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1 occurred -- that that lasted for the -- throughout June, or
2 was that just a couple of days?

3 A. No, that lasted -- okay, I believe it lasted
4 until they cleared the park, and even then I'm not sure
5 when it came down.

6 Q. And who -- who parks on 12th versus who parks on
7 11th?

8 MR. WEAVER: Objection.

9 MR. CRAMER: I'm sorry, I'll ask a better
10 question.

11 A. Most --

12 Q. You said Richmark parking -- Richmark employee
13 parking is in the garage on 12th and then the parking lot's
14 on 11th. Is there a difference between who parks in each
15 one?

16 A. Okay, we assign parking so people know where to
17 go every day. It wasn't based on who they were or where.
18 Most of my prepress department parked in the building up on
19 12th, and they just simply had to be put either in the
20 basement or we stacked in the aisles of the 11th Avenue
21 parking lot.

22 Q. Is there any -- so Diamond Parking runs the
23 parking lot on 11th; is that right?

24 A. Correct.

25 Q. And do they do like public parking during the

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1 Q. Yeah, yeah, feel free.

2 A. Okay, I remember that.

3 Q. Okay. So was this the day that you walked up to
4 11th and Olive, to the best of your recollection?

5 A. I don't know.

6 Q. So in the -- in the middle e-mail, the one from
7 Mr. Zimbabwe, he says that he was going to see how things
8 changed over night. Do you know what he was referring to
9 in terms of changes?

10 A. The barricades -- most of them, all of them --
11 shifted throughout the month. So as I mentioned earlier,
12 when I get there in the morning, I never knew exactly what
13 would be there.

14 I mean by the end of the month, people had
15 brought couches, put right on the corner of 11th and Pine,
16 there were cars. Some person -- a man had his hatchback or
17 whatever opened in the back, appeared to be living out of
18 it. I wasn't sure. I asked him if he could move it, and I
19 was less than politely told that he would not, because,
20 again, those things right across your loading dock, you
21 know -- I didn't want trucks not to come in, so we tried to
22 do whatever we could, and that's what I was talking on
23 that to Mr. Zimbabwe about moving the cars or some signage,
24 anything across so the trucks could get back more easily.
25 I don't remember if he was able to or he didn't. I know

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1 the protesters were not paying any attention to any parking
2 signs that I saw.

3 Q. So you don't recall whether, you just said --
4 whether signage was put up or not?

5 A. No, I don't.

6 Q. And when the -- strike that. Did you ever see
7 Seattle Department of Transportation vehicles out or
8 personnel out removing some of the informal blockaging
9 material like the couches, et cetera?

10 A. No, I -- they emptied some garbage out, and I
11 don't remember if they were in containers or dumpsters or
12 bags, but they were there. I mean not regularly. I can't
13 even tell you if it's once, twice, three times. I just
14 don't remember.

15 Q. In staying with the theme of garbage, I know
16 it's -- I think I saw something that one of your complaints
17 was that sometimes garbage would pile up?

18 A. The -- we create a lot of waste material, a lot
19 of garbage waste, variety of things; and the disposal
20 company that -- I don't think it's the same one that we
21 have now -- that would come in, wouldn't come in.

22 So what we had to do, if you're asking this, is
23 bag up, do whatever we could, put it on pallets, stop work,
24 get as many employees as we can to get the garbage away
25 from work areas, presses, put it somewhere until eventually

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REPORTER'S CERTIFICATE

I, Mindy L. Suurs, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the foregoing testimony of BILL DONNER was given before me at the time and place stated therein and thereafter was transcribed under my direction;

That the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability;

That the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel and that I am not financially interested in the said action or the outcome thereof;

DATE: November 23, 2021

Mindy L. Suurs

Mindy L. Suurs
Certified Court Reporter #2195

